

REFERENCE TITLE: family information and youth protection

State of Arizona
Senate
Forty-seventh Legislature
Second Regular Session
2006

SB 1417

Introduced by
Senator Hellon

AN ACT

AMENDING TITLE 15, CHAPTER 7, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-711.02; RELATING TO SCHOOL CURRICULUM.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 15, chapter 7, article 1, Arizona Revised Statutes,
3 is amended by adding a new section 15-711.02, to read:

4 15-711.02. Sex education; parental notification; opt-out
5 provisions; curriculum review; enforcement;
6 definition

7 A. AT THE BEGINNING OF EACH YEAR OR AT THE TIME OF ENROLLMENT FOR A
8 PUPIL WHO ENROLLS AFTER THE BEGINNING OF THE SCHOOL YEAR, THE PRINCIPAL OF
9 ANY PUBLIC SCHOOL THAT RECEIVES ABSTINENCE-ONLY FUNDING OR THAT ELECTS TO
10 TEACH ABSTINENCE-ONLY EDUCATION IN ANY GRADE SIX THROUGH TWELVE SHALL PROVIDE
11 NOTICE TO THE PARENTS OR GUARDIANS OF PUPILS THAT STATES THE FOLLOWING:

12 1. YOUR CHILD IS RECEIVING ABSTINENCE-ONLY EDUCATION.

13 2. ABSTINENCE-ONLY EDUCATION DOES NOT TEACH PUPILS HOW TO PREVENT
14 PREGNANCY OR SEXUALLY TRANSMITTED INFECTIONS OTHER THAN BY REMAINING
15 ABSTINENT.

16 3. YOUR CHILD IS NOT RECEIVING THE FOLLOWING:

17 (a) INFORMATION ABOUT METHODS, OTHER THAN ABSTINENCE, FOR PREVENTING
18 PREGNANCY AND SEXUALLY TRANSMITTED INFECTIONS, INCLUDING THE HUMAN
19 IMMUNODEFICIENCY VIRUS AND ACQUIRED IMMUNE DEFICIENCY SYNDROME.

20 (b) MEDICALLY ACCURATE INSTRUCTION ON THE RISKS AND BENEFITS,
21 INCLUDING SAFETY AND EFFICACY, OF METHODS APPROVED BY THE UNITED STATES FOOD
22 AND DRUG ADMINISTRATION FOR:

23 (i) REDUCING THE RISK OF CONTRACTING SEXUALLY TRANSMITTED INFECTIONS,
24 INCLUDING THE HUMAN IMMUNODEFICIENCY VIRUS AND ACQUIRED IMMUNE DEFICIENCY
25 SYNDROME.

26 (ii) PREVENTING PREGNANCY.

27 (c) MEDICALLY ACCURATE INSTRUCTION REGARDING THE CORRECT USE OF
28 METHODS APPROVED BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION FOR:

29 (i) REDUCING THE RISK OF CONTRACTING SEXUALLY TRANSMITTED INFECTIONS,
30 INCLUDING THE HUMAN IMMUNODEFICIENCY VIRUS AND ACQUIRED IMMUNE DEFICIENCY
31 SYNDROME.

32 (ii) PREVENTING PREGNANCY.

33 (d) INSTRUCTION THAT PROVIDES STUDENTS WITH THE NECESSARY SKILLS FOR
34 MAKING AND IMPLEMENTING RESPONSIBLE DECISIONS ABOUT RELATIONSHIPS AND
35 SEXUALITY, INCLUDING THE USE OF ALL EFFECTIVE METHODS TO PREVENT SEXUALLY
36 TRANSMITTED INFECTIONS, INCLUDING THE HUMAN IMMUNODEFICIENCY VIRUS AND
37 ACQUIRED IMMUNE DEFICIENCY SYNDROME.

38 (e) INSTRUCTION THAT PROVIDES SEXUALLY ACTIVE STUDENTS WITH THE
39 NECESSARY SKILLS FOR MAKING AND IMPLEMENTING RESPONSIBLE DECISIONS ABOUT
40 RELATIONSHIPS AND SEXUALITY, INCLUDING THE USE OF ALL EFFECTIVE METHODS TO
41 PREVENT PREGNANCY AND SEXUALLY TRANSMITTED INFECTIONS, INCLUDING THE HUMAN
42 IMMUNODEFICIENCY VIRUS AND ACQUIRED IMMUNE DEFICIENCY SYNDROME.

43 B. PARENTS SHALL HAVE THE RIGHT TO REVIEW THE ABSTINENCE-ONLY
44 CURRICULUM IN ITS ENTIRETY. WRITTEN AND AUDIO VISUAL EDUCATIONAL MATERIALS
45 USED IN ABSTINENCE-ONLY EDUCATION SHALL BE MADE REASONABLY ACCESSIBLE FOR

1 INSPECTION. THE SCHOOL SHALL PROVIDE SCHOOL PERSONNEL CONTACT INFORMATION
2 FOR REVIEW OF CURRICULUM AND MATERIALS.

3 C. AT THE REQUEST OF A PARENT OR GUARDIAN, A PUPIL SHALL BE EXCUSED
4 FROM ALL OR PARTS OF ABSTINENCE-ONLY INSTRUCTION. THE PRINCIPAL SHALL NOTIFY
5 ALL PARENTS OF THEIR ABILITY TO WITHDRAW THEIR CHILD FROM ABSTINENCE-ONLY
6 INSTRUCTION.

7 D. A PUPIL SHALL NOT BE SUBJECT TO DISCIPLINARY ACTION, ACADEMIC
8 PENALTY OR OTHER SANCTION IF THE PUPIL'S PARENT OR GUARDIAN DECLINES TO
9 PERMIT THE STUDENT TO RECEIVE ABSTINENCE-ONLY EDUCATION.

10 E. THE SCHOOL SHALL INFORM PARENTS OR GUARDIANS OF AFFECTED STUDENTS
11 OF THE OPPORTUNITY FOR COMMENTING ON CURRICULUM PURSUANT TO THIS SECTION
12 THROUGH THE SCHOOL DISTRICT GOVERNING BOARD OR THROUGH AN ALTERNATIVE PROCESS
13 EITHER BY INCLUDING THIS INFORMATION IN THE NOTICE PRESCRIBED IN SUBSECTION A
14 OR IN A SEPARATE NOTICE. THE NOTICE REQUIRED BY THIS SUBSECTION SHALL BE
15 PROVIDED TO THE PARENTS OR GUARDIAN OF A PUPIL WHO ENROLLS IN A SCHOOL AFTER
16 THE BEGINNING OF THE SCHOOL YEAR AT THE TIME OF THAT PUPIL'S ENROLLMENT.

17 F. ANY PARENT OR GUARDIAN WHO BELIEVES THAT THE PARENT OR GUARDIAN
18 FAILED TO RECEIVE A NOTICE AS REQUIRED IN THIS SECTION MAY FILE A COMPLAINT
19 WITH THE SCHOOL DISTRICT SUPERINTENDENT. WITHIN THIRTY DAYS AFTER RECEIVING
20 A COMPLAINT, THE SCHOOL DISTRICT SUPERINTENDENT SHALL TAKE ANY CORRECTIVE
21 ACTION THAT THE SCHOOL DISTRICT SUPERINTENDENT DEEMS WARRANTED AND SHALL
22 NOTIFY THE COMPLAINANT AND THE SCHOOL PRINCIPAL OF WHAT CORRECTIVE ACTION, IF
23 ANY, WAS TAKEN.

24 G. AFTER RECEIVING NOTICE FROM THE SCHOOL DISTRICT SUPERINTENDENT
25 PURSUANT TO SUBSECTION F OF THIS SECTION OR AT LEAST THIRTY DAYS AFTER FILING
26 A COMPLAINT PURSUANT TO SUBSECTION F OF THIS SECTION, ANY PARENT OR GUARDIAN
27 MAY SUBMIT THE COMPLAINT SUBMITTED PURSUANT TO SUBSECTION F OF THIS SECTION
28 TO THE SCHOOL DISTRICT GOVERNING BOARD FOR REVIEW. THE SCHOOL DISTRICT
29 GOVERNING BOARD SHALL TAKE ANY CORRECTIVE ACTION THAT THE SCHOOL DISTRICT
30 GOVERNING BOARD DEEMS WARRANTED AND SHALL NOTIFY THE COMPLAINANT AND THE
31 SCHOOL DISTRICT SUPERINTENDENT WHAT CORRECTIVE ACTION, IF ANY, WAS TAKEN.

32 H. AFTER RECEIVING NOTICE FROM THE SCHOOL DISTRICT GOVERNING BOARD
33 PURSUANT TO SUBSECTION G OF THIS SECTION OR AT LEAST THIRTY DAYS AFTER FILING
34 A COMPLAINT PURSUANT TO SUBSECTION G OF THIS SECTION, ANY PARENT OR GUARDIAN
35 MAY SUBMIT THE COMPLAINT TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION.
36 THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL INVESTIGATE THE COMPLAINT AND
37 DETERMINE WHETHER THE SCHOOL DISTRICT COMPLIED WITH THIS SECTION. IF THE
38 SUPERINTENDENT OF PUBLIC INSTRUCTION DETERMINES THAT THE SCHOOL DISTRICT
39 FAILED TO SUBSTANTIALLY COMPLY WITH THIS SECTION, THE SUPERINTENDENT OF
40 PUBLIC INSTRUCTION SHALL TAKE CORRECTIVE ACTION, INCLUDING RECOMMENDING THAT
41 THE SCHOOL DISTRICT BE PROHIBITED FROM ACCEPTING STATE AND FEDERAL
42 ABSTINENCE-ONLY FUNDING FOR A PERIOD OF AT LEAST ONE CALENDAR YEAR.

43 I. FOR THE PURPOSES OF THIS SECTION, "MEDICALLY ACCURATE" MEANS
44 INFORMATION THAT IS SUPPORTED BY THE WEIGHT OF RESEARCH CONDUCTED IN
45 COMPLIANCE WITH ACCEPTED SCIENTIFIC METHODS AND RECOGNIZED AS ACCURATE AND

1 OBJECTIVE BY LEADING PROFESSIONAL ORGANIZATIONS AND AGENCIES WITH RELEVANT
2 EXPERTISE IN THE APPROPRIATE FIELD.

3 Sec. 2. Findings and declarations; intent; designation of act

4 A. The Arizona Legislature finds and hereby declares that:

5 1. Although teen pregnancy rates are decreasing, there are still
6 nearly nine hundred thousand teen pregnancies each year. Nearly eighty per
7 cent of teen pregnancies among persons between the ages of fifteen and
8 nineteen are unintended. Arizona has the second highest teen pregnancy and
9 birth rate in the United States. Among counties in the United States, Pinal
10 county has the fourth highest teen birth rate.

11 2. There were nine million new cases of sexually transmitted
12 infections that occurred among persons between the ages of fifteen and
13 twenty-four in 2000. The total cost was six and one-half billion dollars.
14 Approximately fifty per cent of all new sexually transmitted infection cases
15 are reported among persons between the ages of fifteen and twenty-four.
16 Maricopa county has the eighth highest number of reported syphilis cases
17 nationally and sexually transmitted infections among Arizona youth have
18 increased every year for the past three years.

19 3. An average of two young people in the United States is infected
20 with the human immunodeficiency virus every hour of every day. African
21 Americans and Hispanic youth have been disproportionately affected by the
22 human immunodeficiency virus and the acquired immune deficiency syndrome
23 epidemic.

24 4. More than eight out of ten Americans believe that young people
25 should have information about protecting themselves from unplanned
26 pregnancies and sexually transmitted diseases. Seventy-four per cent of
27 Republicans and eighty-eight per cent of Democrats polled in Maricopa county
28 support medically accurate sex education.

29 5. The American medical association, the American nurses association,
30 the American academy of pediatrics, the American college of obstetricians and
31 gynecologists, the American public health association and the society of
32 adolescent medicine support responsible sexuality education that includes
33 information about both abstinence and contraception.

34 6. Nearly half of all teen males do not receive any formal education
35 about birth control or sexually transmitted infections before having sex for
36 the first time.

37 7. Research shows that teenagers who receive sexuality education that
38 includes discussion of contraception are more likely than those who receive
39 abstinence-only messages to delay sexual activity and to use contraceptives
40 when those teenagers do become sexually active.

41 8. The overwhelming weight of scientific evidence suggests that
42 addressing abstinence and contraception does not increase sexual activity.

43 B. It is therefore the intent of the Arizona legislature to establish
44 the Family Information and Youth Protection Act that requires provision of
45 information to parents about the content of specific public school curricula

1 as it pertains to abstinence-only education, methods of preventing pregnancy
2 and sexually transmitted infections, that allows parents to excuse their
3 child from abstinence-only instruction, that informs parents of their right
4 to be involved in their child's education and that provides an enforcement
5 mechanism.

6 C. This act may be cited as the "Family Information and Youth
7 Protection Act".